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PALO ALTO NETWORKS, INC.

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15 FINJAN, INC.,

16 Plaintiff,

17 v.

18 PALO ALTO NETWORKS, INC.,

19 Defendant.
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Case No.: 4:14-CV-004908-PJH

**JOINT STIPULATION AND
[PROPOSED] ORDER**

Pursuant to Civil Local Rule 7-12, Plaintiff Finjan, Inc. (“Finjan”) and Defendant Palo Alto Networks, Inc. (“PAN”) (collectively, “the Parties”), by and through their respective counsel, respectfully submit the following stipulation to stay the case pending a decision by the United States Patent and Trademark Office’s Patent Trial and Appeal Board (the “PTAB”) concerning whether to institute an inter partes review (“IPR”) pursuant to petitions for IPR submitted by PAN on the patents asserted in this action:

WHEREAS, on November 4, 2014, Finjan filed the complaint in this action alleging that PAN infringes ten patents, specifically, U.S. Patent Nos. 6,804,780 (“the ’780 Patent”); 6,965,968 (“the ’968 Patent”); 7,058,822 (“the ’822 Patent”); 7,418,731 (“the ’731 Patent”); 7,613,918 (“the ’918 Patent”); 7,613,926 (“the ’926 Patent”); 7,647,633 (“the ’633 Patent”); 8,141,154 (“the ’154 Patent”); 8,225,408 (“the ’408 Patent”) and 8,677,494 (“the ’494 Patent”) (collectively, the “Asserted Patents”) (Dkt. No. 1);

WHEREAS, in September and November 2015, PAN filed with the PTAB thirteen (13) petitions for IPR of the Asserted Patents (the “IPR Petitions”), as summarized in the chart below:

Patent No.	IPR Filing Date	IPR Case No.
‘780 Patent	November 6, 2015	IPR2016-00165
‘968 Patent	November 5, 2015 November 5, 2015	IPR2016-00149 IPR2016-00150
‘822 Patent	September 30, 2015	IPR2015-01999
‘731 Patent	September 30, 2015	IPR2015-02000
‘918 Patent	November 6, 2015	IPR2016-00164
‘926 Patent	November 4, 2015	IPR2016-00145
‘633 Patent	September 30, 2015	IPR2015-01974
‘154 Patent	September 25, 2015 November 5, 2015	IPR2015-01979 IPR2016-00151
‘408 Patent	September 30, 2015 November 6, 2015	IPR2015-02001 IPR2016-00157
‘494 Patent	November 6, 2015	IPR2016-00159

WHEREAS, on November 30, 2015, PAN filed a motion to stay the case pending resolution on

1 the merits of the IPR Petitions (Dkt. No. 63) (“Motion to Stay”);

2 WHEREAS, the parties had an Initial Case Management Conference (“CMC”) with the Court
3 on December 3, 2015, during which the parties agreed to submit to this Court a Stipulated Order
4 regarding the Motion to Stay based on the discussions with the Court at the CMC;

5 WHEREAS, the Court grants PAN's Motion to Stay in part and denies it in part, as set forth
6 below;

7
8 WHEREAS, the Court grants the Motion to Stay in part to the extent that the case and all
9 pending deadlines (including deadlines under the Patent Local Rules) are stayed until the last decision
10 by the PTAB is issued concerning whether to institute IPR pursuant to PAN’s IPR Petitions;

11 WHEREAS, the parties agree to file a joint status report within seven (7) days of the issuance
12 of the PTAB’s last decision concerning whether to institute IPR pursuant to PAN’s IPR Petitions;

13 WHEREAS, the parties agree that the joint status report should include the parties’ respective
14 positions on next steps for the litigation, including whether the stay should be lifted or continued based
15 on the PTAB’s decisions and the circumstances at that point in time;

16
17 WHEREAS, PAN's motion in the alternative pursuant to Federal Rule of Civil Procedure 12(c)
18 for partial judgment on the pleadings to dismiss Finjan’s complaint with respect to the ‘780 and ‘494
19 Patents under 35 U.S.C. §101 (Dkt. No. 63) is withdrawn.

20 **IT IS SO STIPULATED.**
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Respectfully submitted,

DATED: December 9, 2015

By: /s/ Paul J. Andre

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Respectfully submitted,

DATED: December 9, 2015

By: /s/ Rudy Y. Kim

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/s/ *Paul J. Andre*
 Paul J. Andre

PURSUANT TO STIPULATION, IT IS SO ORDERED.



The Honorable Phyllis J. Hamilton